

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHERRONE THORNTON,

Plaintiff,

v.

ST. JOSEPH HOSPITAL and JOHN
and JANE DOES,

Defendants.

Case No. 19-CV-1643-JPS

ORDER

On November 8, 2019, the plaintiff, Sherrone Thornton ("Thornton"), an inmate at the Racine Correctional Institution, filed a complaint against the defendants, St. Joseph Hospital and two of its doctors. (Docket #1). Thornton alleges that on some undisclosed date, presumably before he was most recently incarcerated, he and his girlfriend went to the hospital because she had stomach cramps. *Id.* at 2. Doctors there determined that she was in fact pregnant and soon delivered the couple's child. *Id.* at 2-3. Within hours, however, the child passed away. *Id.* at 3. Thornton complains that the doctors did not do enough to save the child. *Id.* He seeks to pursue claims for medical malpractice, wrongful death, and negligence against the defendants. *Id.*

Thornton's allegations do not invoke this Court's jurisdiction. Federal courts are courts of limited jurisdiction, and may only hear cases in two primary categories: 1) those raising issues of federal law, known as "federal question" jurisdiction, and 2) those between parties who are citizens of different states and which involve an amount in controversy

exceeding \$75,000.00, known as “diversity” jurisdiction. *See* 28 U.S.C. §§ 1331 and 1332(a).

All of the parties in this case are from Wisconsin, so diversity jurisdiction is not available. Additionally, all of Thornton’s claims arise under state, not federal, law. Thus, this lawsuit presents no federal questions. It seems, then, that Thornton simply filed his lawsuit in the wrong court. Should he desire to continue pursuing the claims in this case, he must do so in Wisconsin state court. As for this case, it must be dismissed without prejudice for lack of jurisdiction. The Court will also grant Thornton’s motion for leave to proceed *in forma pauperis*, (Docket #2), and deny as moot his motions for appointment of counsel, (Docket #7 and #9).

Accordingly,

IT IS ORDERED that Plaintiff’s motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**;


IT IS FURTHER ORDERED that Plaintiff’s motions for appointment of counsel (Docket #7 and #9) be and the same are hereby **DENIED as moot**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice** for lack of subject-matter jurisdiction.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 16th day of January, 2020.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge